IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

JUDGMENT

SB CIVIL MISC. APPEAL NO.2955/2005
Girdhari Singh V/s Shri Ummed Singh & Ors.

Date of order : : 26.10.2006

HON'BLE MR. JUSTICE P.S. ASOPA

Mr.J.P. Gupta, for the appellant.

This is an appeal on behalf of the injured appellant for enhancement of compensation against the award dated 20.7.2005 in MAC case No.35/2005 (44/2003) passed by the MACT cum Additional District Jude, (Fast Track No.2), Beawar.

The facts, in brief, of the case are that on 12.8.2002 when the appellant was standing on the Saroth Circle on the side of the road, a Truck No.HR-38A-7106 dashed the appellant. As a result of which, the appellant sustained various injuries on the various parts of the body.

The submission of counsel for the appellant is that there are four injuries, out of which one is of grievous nature, therefore, compensation is on lower side and further, there is no reason to disbelieve the permanent disability certificate.

The Claims Tribunal has awarded Rs.3,000/- for

three simple injuries, Rs.5000/- for one grievous injury, Rs.10,840/- for medical bills including Rs.3000/- of operation charges, Rs.2100/- for loss of earning of the intervening period from the date of accident to recovery and Rs.4000/- for physical pain and mental agony. In all Rs.24,940/- has been awarded.

The submission of counsel for the appellant is that on account of said grievous fracture Rs.5000/- is inadequate.

The Claims Tribunal has considered the fact that Ex.9 certificate of permanent disability is doubtful on account of mentioning the date of accident 12.2.2002 whereas the accident has taken on 12.8.2002 and further the said certificate has been issued by Krishna Hospital where the appellant was not admitted as per his own statement.

I have gone through the award of the Claims Tribunal and further considered the submission of counsel for the appellant.

In my opinion, the Claims Tribunal has not committed any error in not relying the said disability certificate and further in assessing the

compensation and further the submission of counsel for the appellant has no force.

The appeal fails and is dismissed.

(P.S. ASOPA) J.

ummed/-